

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

Case No. MD-08-0223

ROBERT BROWNSBERGER, M.D.

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

Holder of License No. 23429
For the Practice of Allopathic Medicine
In the State of Arizona.

INTERIM CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Robert Brownsberger, M.D., ("Respondent") the parties agree to the following disposition of this matter.

1. Respondent has read and understands this Interim Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Interim Consent Agreement"). Respondent acknowledges that he understands he has the right to consult with legal counsel regarding this matter.

2. By entering into this Interim Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Interim Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Interim Consent Agreement.

3. This Interim Consent Agreement will not become effective until signed by the Executive Director.

4. All admissions made by Respondent are solely for interim disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government regulatory agency

1 proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or
2 federal court.

3 5. Respondent may not make any modifications to the document. Upon signing this
4 agreement, and returning this document (or a copy thereof) to the Executive Director,
5 Respondent may not revoke acceptance of the Interim Consent Agreement. Any modifications
6 to this Interim Consent Agreement are ineffective and void unless mutually approved by the
7 parties.

8 6. This Interim Consent Agreement, once approved and signed, is a public record that
9 will be publicly disseminated as a formal action of the Board and will be reported to the National
10 Practitioner Databank and on the Board's website.

11 7. If any part of the Interim Consent Agreement is later declared void or otherwise
12 unenforceable, the remainder of the Interim Consent Agreement in its entirety shall remain in
13 force and effect.

14 
15 ROBERT BROWNSBERGER, MD.

Dated: 4/9/08

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of the
3 practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of License No. 23429 for the practice of allopathic
5 medicine in the State of Arizona.

6 3. On December 7, 2006, Respondent entered into the Board's Monitored Aftercare
7 Program. On March 21, 2008, the Board received a report from the Board's contracted
8 addiction medicine consultant stating that on March 18, 2008, Respondent tested positive for
9 Tramadol. Respondent did not have a prescription for Tramadol.

10 4. As a result of an investigative interview of Respondent by Board Staff and the
11 addiction medicine consultant, Respondent was issued an Interim Order for Residential
12 Evaluation/Treatment. Respondent completed the evaluation on April 3, 2008 at the Sante'
13 Center for Healing. On April 4, 2008, Board Staff received a preliminary evaluation report from
14 Sante' stating that Respondent is unsafe to continue to practice medicine.

15 5. Respondent acknowledged a relapse and has chosen to remain at Sante' for
16 treatment. Pursuant to the Stipulated Rehabilitation Agreement signed by Respondent, in the
17 event of a relapse, Respondent shall promptly enter into an Interim Consent Agreement for
18 Practice Restriction requiring, among other things, that Respondent not practice medicine until
19 he has successfully completed a long-term inpatient or residential treatment program.

20 6. Based on the information in the Board's possession there is evidence that if
21 Respondent were to practice medicine in Arizona there would be a danger to the public health
22 and safety.

23 **CONCLUSIONS OF LAW**

24 1. The Board possesses jurisdiction over the subject matter hereof and over
25 Respondent.

2. The Executive Director may enter into a consent agreement with a physician if there is evidence of danger to the public health and safety. A.R.S. § 32-1405(C)(25); A.A.C. R4-16-404.

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent shall not practice clinical medicine or any medicine involving direct patient care, and is prohibited from prescribing any form of treatment including prescription medications, until Respondent to the Board and receives permission to do so.

2. This is an interim order and not a final decision by the Board regarding the pending investigative file and as such is subject to further consideration by the Board.

DATED AND EFFECTIVE this 9th day of April, 2008.



ARIZONA MEDICAL BOARD

By

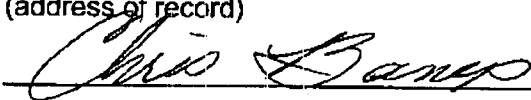

LISA S. WYNN
Executive Director

ORIGINAL of the foregoing filed this 9th day of April, 2008 with:

The Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed by
US Certified Mail this 9th day of April,
2008 to:

Robert Brownsberger, M.D.
(address of record)



PHX-#181126-